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8 Attorneys for Defendant
9 QUEST DIAGNOSTICS INCORPORATED

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**

13 MEDSQUIRE, LLC

14 Plaintiff,

15 vs.

16 SPRING MEDICAL SYSTEMS,
17 INC.; QUEST DIAGNOSTICS, INC.;
18 NEXTGEN HEALTHCARE
19 INFORMATION SYSTEMS, INC.;
20 HENRY SCHEIN MEDICAL
21 SYSTEMS, INC.; HEWLETT-
22 PACKARD COMPANY; APRIMA
23 MEDICAL SOFTWARE, INC.;
24 eCLINICALWORKS, LLC;
25 MED3000, INC.; PULSE SYSTEMS,
26 INC.; COMPULINK BUSINESS
27 SYSTEMS, INC.; NEXTECH
28 SYSTEMS, INC.; NAVINET, INC.;
successEHS, INC.; athenaHEALTH,
INC.

Defendants.

Case No. CV11-4504-JHN (PLAx)

**RE-NOTICE OF DEFENDANT
QUEST DIAGNOSTICS, INC.'S
MOTION AND MOTION TO
DISMISS UNDER FED. R. CIV. P.
12(b)(6)**

Old Date: August 22, 2011

New Date: September 12, 2011

Time: 2:00 p.m.

Courtroom: 790

Judge: Hon. Jacqueline H. Nguyen

1 **TO PLAINTIFF AND COUNSEL OF RECORD**

2 **WHEREAS** on July 18, 2011, Defendant Quest Diagnostics Incorporated
3 (“Quest”) filed a Motion to Dismiss Plaintiff Medsquire LLC’s (“Plaintiff” or
4 “Medsquire”) Complaint under Fed. R. Civ. P. 12(b)(6) for failure to state a claim
5 (Doc. No. 41) (“Motion”), which is incorporated herein by reference;

6 **WHEREAS** the hearing on the Motion was previously noticed for August 22,
7 2011, at 2:00 p.m. to be heard in the Courtroom of the Hon. Jacqueline H. Nguyen,
8 located at Courtroom 790, Roybal Federal Building, 255 East Temple Street, Los
9 Angeles, CA 90012 (*see* Doc. No. 41);

10 **WHEREAS** various defendants have joined the Motion¹;

11 **WHEREAS** on August 1, 2011, Plaintiff filed an Opposition to the Motion
12 (Doc. No. 65);

13 **WHEREAS** counsel for Plaintiff has requested that the hearing be rescheduled
14 as he is scheduled to be out of the country on August 22, 2011, and counsel for Quest
15 has agreed to reschedule; and

16 **WHEREAS** the Court’s next available hearing date after August 22, 2011, is
17 September 12, 2011,

18 **PLEASE TAKE NOTICE THAT** the hearing date on Quest’s Motion, which
19 was previously noticed for August 22, 2011, has been re-set for **September 12, 2011**
20 **at 2:00 p.m.**, or soon thereafter as the matter may be heard in the Courtroom of the
21 Hon. Jacqueline H. Nguyen, located at Courtroom 790, Roybal Federal Building, 255
22 East Temple Street, Los Angeles, CA 90012.

23 Quest’s Motion is based on its previously filed notice, the accompanying
24 memorandum of points and authorities, the accompanying declaration of D. James

25 _____
26 ¹ The defendants joining in Quest’s motion are Hewlett-Packard Company, Nextgen
27 Healthcare Information Systems, Henry Schein Medical Systems, EClinical Works,
28 Med3000, Pulse Systems, Compulink Business Systems, Navinet, SucessEHS,
AthenaHealth, and Aprima Medical Software.

1 Pak and exhibits attached hereto, the proposed order filed concurrently herewith, the
2 pleadings and records on file in this action, other matters of which the Court may take
3 judicial notice, and such matters as may be presented at the hearing on the motion.
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5 Dated: August 1, 2011

BAKER & McKENZIE LLP

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7 By: /s/D. James Pak

8 D. James Pak
9 Attorney for Defendant
QUEST DIAGNOSTICS INCORPORATED.
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